

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claim status

Claims 38-42 were previously pending. New claims 43 and 44 are added. Therefore, claims 38-44 are presented for consideration.

35 USC 112, second rejection

Claim 38 is amended to remove the term "such as" and the term "container" is removed and is presented as part of a dependent claim.

Claim 38 is amended to recite "a printing unit" to provide antecedent basis for "the printing unit" of claim 40.

The above changes are believed sufficient to address the 35 USC 112, second paragraph rejection and withdrawal of the same is respectfully requested.

35 USC 102(b) rejection

Amending claim 38 to include the subject matter of claim 39 is believed to obviate the 35 USC 102(b) rejection of this claim as being anticipated by HOWARD US 2,307,406.

35 USC 103(a) rejections

Claim 39 was rejected under 35 USC 103(a) as being unpatentable over HOWARD in view of LEPHARDT EP0 317,202. That rejection is respectfully traversed.

As recognized in the Official Action, HOWARD does not include a printing unit. Rather, the intermediate strip 14 in HOWARD is pre-printed (see page 1, column 2, lines 23-26).

The recited sealing arrangement of the present invention is therefore more versatile than HOWARD. For example, as stated on page 2, lines 19-21 of the present specification, the printing unit can apply information to the intermediate strip while the latter is moving through the arrangement and can therefore change the information without having to replace the intermediate strip with one having new information.

LEPHARDT is offered in an attempt to overcome this shortcoming of HOWARD.

LEPHARDT discloses a tear strip 16/80, which has a metal oxide coating 82 on one side. The coated strip 16/80 is adhered to a package or other container as a separate strip.

That is, in LEPHARDT, the film 14 is first applied to the package and then the coated strip 16 is applied as a separate component (see column 4, lines 43-46).

LEPHARDT does not teach two strips dispensed from a common body as in HOWARD. Thus, even if LEPHARDT were to disclose a printing unit for tear strip 16/80, there is no suggestion of having such printing unit as part of the sealing arrangement to apply information to the intermediate strip prior to the intermediate strip being adhered to the sealing tape and prior to the sealing tape/intermediate strip combination being dispensed as required to meet claim 38.

Instead, in LEPHARDT, the tear strip is pre-printed prior to the tear strip being attached to the film material 14 (with film material 14 already on the box (see column 4, lines 40-48)). Moreover, this same passage discloses that the strip 16 is printed prior to entering the packaging machine 36, which wraps (dispenses) the film material 14.

Alternatively, as disclosed on column 4, lines 48-53, the writing head might be located on the packaging machine 36 to encode (write) the desired information on the completed (taped) package. No intermediate strip is described and there is no indication of the inclusion of a printing unit.

The proposed combination of references does not suggest a printing unit as part of the sealing arrangement that applies information to the intermediate strip prior to the intermediate strip being adhered to the sealing tape and prior to the sealing

tape/intermediate strip combination being dispensed as recited in claim 38.

Therefore, claim 38 would not have been obvious in view of this combination of references.

Claims 40 and 41 were rejected under 35 USC 103(a) as being unpatentable over HOWARD in view of LEPHARDT and further in view of LO et al. 6,648,533. That rejection is respectfully traversed.

LO is only cited with respect to features of dependent claims 40 and 41. LO does not overcome the shortcomings of HOWARD and LEPHARDT set forth above with respect to claim 38. Since claims 40 and 41 depend from claim 38 and further define the invention, these claims are believed to be patentable at least for depending from an allowable independent claim.

Moreover, LO does not describe an arrangement that involves an intermediate tape but rather an arrangement whereby printing is directly applied to the adhesive surface of the adhesive tape. Thus, even if one were to combine LO with HOWARD and LEPHARDT, the invention of claims 40 and 41 would not result and therefore, these claims are believed to be patentable independently of the patentability of claim 38.

Claim 42 was rejected under 35 USC 103(a) as being unpatentable over HOWARD in view of LEPHARDT and LO and further

in view of PETTERUTI et al. 6,010,257. That rejection is respectfully traversed.

PETTERUTI is only cited with respect to features of dependent claim 42. PETTERUTI does not overcome the shortcomings of HOWARD and LEPHARDT (and LO) set forth above with respect to claim 38. Since claim 42 depends from claim 38 and further defines the invention, claim 42 is believed to be patentable at least for depending from an allowable independent claim.

Moreover, PETTERUTI does not disclose the concept of a primary adhesive tape, an intermediate tape and a printing unit in one and the same arrangement. Thus, even if one were to combine PETTERUTI with HOWARD, LEPHARDT and LO, the invention of claim 42 would not result and therefore, this claim is believed to be patentable independently of the patentability of claim 38.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Liam McDowell/
Liam McDowell, Reg. No. 44,231
209 Madison Street, Suite 500
Alexandria, Virginia 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/jaa